HV 6789
.C84

1937

THE LIBRARY OF CONGRESS

We Can
PREVENT CRIME

—•—

HOMER CUMMINGS

The Honorable Homer Cummings

Attorney General of the United States

WE *Can* PREVENT CRIME

The American Program

by

HOMER CUMMINGS
Attorney General of the United States

The four articles published in Liberty, complete and unabridged, in one volume.

162-P
38

LIBERTY
Macfadden Publications
New York

HV6789
.C84
1937

Copyright, 1937
by
Macfadden Publications, Inc.

JUL -2 1938
©CIA 118540

INTRODUCTION

by

FULTON OURSLER
Editor of Liberty

THE *four articles on crime prevention which are gathered together in this booklet were written for Liberty Magazine at my earnest entreaty, by Homer S. Cummings, Attorney General of the United States.*

Mr. Cummings agreed to prepare the articles in the spirit of public service. He was the one man in the United States best qualified for the task. Under his administration, national law enforcement had taken on a new meaning in this country. His tireless efforts and broad vision had brought the Bureau of Investigation of the Department of Justice to a state of efficiency that set a standard for police work throughout the world.

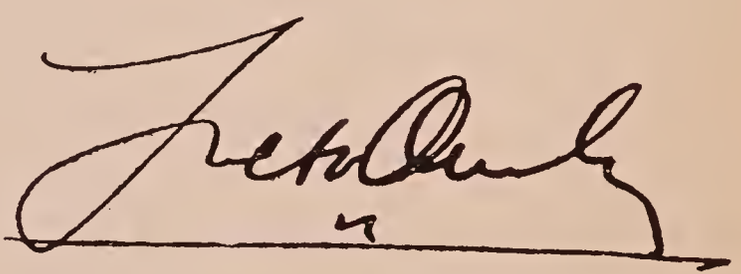
But this, as Mr. Cummings well knew, was not enough. Early in his first administration as Attorney General he took a forward step that focussed national attention on the grave problem of crime. That was when he sent out his memorable call for the Attorney General's Conference on Crime. As everyone remembers, this Conference was opened by the President of the United States, and the effect of the constructive work that was started through its various committees is only now beginning to be felt. Without publicity, working quietly, various of the committees

and agencies of the conference are carrying on the program that was evolved in that historic meeting.

It was my privilege to help the Attorney General in a small way in planning the work of that conference, especially in relation to public opinion and public support of the campaign against crime. No lasting results can be achieved in these efforts without a thorough understanding on the part of the public of its stake in these grave issues, and without the full cooperation of all decent, home-loving American citizenship.

Medical science has eliminated one plague after another by getting at the source of infections and epidemics. That is the scientific way to approach the crime problem. That is the task set for the people of the United States today. Crime is an epidemic that can strike in any home. In this notable series of articles the Attorney General has brought the whole problem clearly before us and has shown the practical things that we can do to prevent crime.

Liberty Magazine was proud to print this contribution to one of our country's major problems.



NEW YORK, SEPTEMBER, 1937

WE CAN *Prevent Crime*

I

UP IN Connecticut where I live, is the lovely Colonial town of Litchfield, behind whose historic elms nobly stands one of America's oldest law schools.

To that venerable institution, in the first years of the last century, came the youthful John C. Calhoun from his home in South Carolina—on horseback, over the Old Post Road—to learn that law which enabled him to hold his own with Daniel Webster and the other legal giants of his time.

Now, on those rare occasions when I can get away from my desk in the Department of Justice at Washington, I find myself riding in a modern automobile over the same old highway into verdant valleys of the same old state, and I think of that South Carolina lad plodding along in the sun on the broad back of the sorrel mare from his father's farm. Then, I ask myself:

"Have we, as citizens, as human beings, advanced so far as we should have since John C. Calhoun's day—so far, for example, as the science of transportation has advanced?"

I would like to find a cheerful optimistic answer to that question; but when I think that it has taken us all these years and all these generations to discover that the best way to prevent crime is to prevent criminals I cannot honestly do so.

The science of crime prevention, in spite of all the strides we have made is still in the horseback phase of its development.

Young Jack Calhoun was nineteen when he took the Old Post Road to Litchfield town. That, as it happens, is the age at which the largest number of arrests for crime are now made—and yet, only recently have we realized that if we hope to protect ourselves against a plague of active murderers, we must catch our potential murderer before he murders.

"Crime waves are made of criminals," observes one writer, "and criminals are made of boys."

For thousands of years, our neighbors in the Pacific, the Chinese, have employed physicians to keep them well rather than to cure them after they are ill. Only recently has Occidental medicine caught up with the ancient dictum that "An ounce of prevention is worth

a pound of cure." Most organizations charged with suppressing crime still act as if they never heard the adage. They go right on "trying to empty the bucket without turning off the water."

Any person surveying the crime problem necessarily does so from a different vantage point than from any other person. My vantage point is the Department of Justice in Washington—the national Government's law office. In that law office only a portion of our work has to do with crime. In that office are handled all matters dealing with the acquisition of land by the Federal Government for such purposes as Post Offices, national parks, and slum clearance projects. In it all antitrust litigation is centered. All tax litigation is conducted in one of the Divisions by a special staff of 100 attorneys. In another Division all claims against the Federal Government are defended. In still another Division 3,000 war risk suits are handled annually; while the Customs Division last year represented the United States in 74,961 customs cases. And this is but a partial list of the functions performed by the Department. In other words, if crime were completely eradicated we would still have to conduct a tremendous civil law practice.

But as to crime. We have three units in the Department dealing primarily with crime. The Federal Bureau of Investigation is the investigative unit. The Criminal Division, together with 500 United States Attorneys and assistants, is charged with the prosecution of Federal violators. The Bureau of Prisons has under its jurisdiction 19 Federal penal institutions ranging from prison camps to Alcatraz, in which the convicted criminals are confined. With these three units we "catch, convict and confine" Federal violators. We have, I think, done that job well. As to their methods employed I shall have more to say later.

For a long time I have been convinced that in our program there is a missing link. The "catch, convict, confine" process is not enough. It is a process which we must follow today because previous generations were not aware of its futility. It is a process which coming generations will fall back upon if we do not supply the missing link. That link is crime prevention.

The floods which recently devastated great portions of the Ohio and Mississippi valleys, furnish an analogy. There is something futile about the last-minute task of erecting sandbags on a levee, later dynamiting the levee, setting up shelter stations, and performing all the other acts which are performed in the hysteria of the moment as the flood reaches its crest. There is something terribly tragic in any scene in which a helpless humanity struggles with a disaster which it could have prevented, and which it finds too late has struck with death and destruction. Recently there has been an appreciation on the part of the general public of the value of prevention in many fields. Flood control is one. Fire control is another.

In the subject that we are discussing, obviously the most effective type of prevention is that which heads off the development of criminal careers by the prevention of juvenile demoralization.

For years we have proceeded on the theory that when a certain content of

information has been jammed into the young, they will be able to make their own effective transition from school or college into the responsibilities of adult life. Unfortunately this is not true. In a simpler civilization, when all that was involved was going from the classroom, where multiplication tables were learned, to the small shop, factory or office where the multiplication tables were applied, the transition was far less difficult. Under modern conditions it is impossible for any child, upon the basis of his own experience even to conceive of the tremendous ramifications of adult life.

Faced by the baffling circumstances into which he is suddenly thrust, and confronted—as the present generation of young people is confronted—by a shortage of opportunity for legitimate effort, the youngster of eighteen or nineteen drifts all too readily into crime.

This is not a theory.

A careful check of more than one quarter of a million recent arrests reveals not only the menacing fact that there were more arrests at the age of nineteen than at any other age, but that a startlingly large percentage of our most serious crimes were committed by minors.

No one will deny that this is a most confusing period for youth, and that its difficulty is immeasurably increased by enforced idleness. It is as true now as it was in the 17th Century when Isaac Watts said it, that "Satan finds some mischief still for idle hands to do." And, right now, there are more hands. Estimates vary as to the number of idle young people in this country. There may be 4,000,000; there may be 5,000,000. Anyhow, there are too many and the existence of this vast army of youthful idlers, most of them at the "courtship age," certainly complicates the problem of crime prevention.

The foundations of the difficulty, go deeper still. Statistics reveal that one child out of every hundred between the ages of seven and seventeen comes before the courts in the course of the year —and this in spite of the fact that only a small percentage of problem children requiring special treatment actually get into the court records. In one city, for example, out of 2,799 "truants" and 921 other "juvenile offenders" only 134 children were referred to the juvenile court.

The inescapable fact, therefore, is that there is a large and threatening volume of potential crime in process of generation below the ages chiefly affected by its current crisis of unemployment.

The fact that many of the specific offenses perpetrated by these youthful culprits are of a minor character does not lessen the seriousness of the general problem they present.

"Small habits well pursued betimes
May reach the dignity of crimes."

Thus spoke the poet, Hannah More, in the last years of the 17th Century. Thus speak the records of the Department of Justice today. Few indeed are the criminals who did not begin as children in some petty way to carve out a career of crime. Our records show that back of almost every adult criminal is the shadowy outline of a juvenile delinquent.

Clearly, then, if we are to hack at the roots of the crime problem, we must be-

gin, not with the established criminal after he is arrested and confined, not with the idle youth of eighteen or nineteen after he has drifted into crime, but with the boy and girl, and the conditions which develop them into useful or useless citizens.

This conclusion, although inevitable, is fraught with difficulties.

Moreover, ordinary rules of legal procedure just do not apply to child criminals.

Experience has taught us that the offenses of juvenile criminals demand not so much punishment as diagnosis and treatment. The juvenile court is, to some extent, a response to the enlightened feeling that these youthful culprits, who are marching toward the gates of prison, are in the beginning merely "unthinking, idle, wild and young," and that, if we reach them early enough, we can divert their straying footsteps into the path that leads to useful citizenship and a happy life.

A whole book could be written—in fact, several have been written—on the social and economic causes of the situation which I have been describing.

The concensus of opinion of all these experts, no matter from what angle they approach it, is that juvenile delinquency is a community rather than an individual problem. The most convincing thing about this conclusion is that it is based, in most cases, on broad surveys, often over a period of years, of actual conditions in crime producing areas.

The first fact that strikes the new student of the problem is that there are decided variations, both in the number of juvenile offenders and in the number of adult criminals, as between different sections of the same community, and that those sections which show the highest rate of children's offenses also show the highest rate of adult's crimes.

The second very illuminating fact is that there is an inescapable relationship between the differences in the rates of child and grown-up delinquency on the one hand and the differences in sectional backgrounds on the other. The crime rates near the business and industrial areas are high; those in the surburban residential districts correspondingly low.

Of course, the residential communities have their crime problems. So, for that matter, do the small towns. It is well, too, to remember that we also have rural slums. There is small doubt, therefore, but that juvenile delinquents, who later become adult criminals, are the result chiefly of neighborhood conditions whether they may be in the city, the small town or the country. The problem is essentially a community one.

The situation is aggravated, but by no means primarily caused, by the fact that European immigrants, often from sparsely settled agricultural regions, find themselves quite unequal to bringing up their families in metropolitan conditions which they themselves do not understand. Southern negroes, ill at ease in strange Northern surroundings, present a similar difficulty. In fact our own Indians furnish a vivid illustration of cultural conflict.

The children of such families, and also those of many of their American-bred neighbors who live in these deteriorated areas, tend to congregate in gangs in a natural effort to work out a life of their own. There is nothing inherently evil

in this tendency. Not all who gang are gangsters. A gang, well led or well directed—as the Boys' Clubs and Boy Scouts have proved—is often a fine influence in a boy's life. Ill led or ill influenced—as shown in the stage play "Dead End"—the gang takes the inevitable road to crime.

"These delinquency areas, as the sociologists call them, take on a tradition which can only be compared with the tradition of a great old school. . . . The place is stuffed with history and example, handed down by boy to boy, until the housewreckers come. These areas have a disintegrating effect upon character. A child living in them too easily becomes demoralized, beaten and hopeless."

The loss of employment or undependability of the father of a family or any other mischance which induces real poverty is, of course, another cause of juvenile crime. "With every chance of moral recovery in his favor," wrote a French observer of the slums of Paris, "the child who is underfed and destitute of the most meagre comfort is incapable, through his physical depression, of struggling successfully against temptation. Feed him, give him a decent home and you will win him over from the quicksands of vice to the bed rock of good citizenship."

But it is idle to speculate here on causes, except as such speculation may assist us to remove those causes, or, if they are not removable, understand them and take appropriate steps to counteract them.

One obvious reason why the present situation is especially critical is the changed position of the church in community life. A hundred years ago, most children attended Sunday School regularly—although perhaps under protest! —and were there taught principles of moral and spiritual conduct which were more or less common to all denominations or sects. Their elders—perhaps because of the absence of golf courses, automobiles and commercialized forms of amusement—attended church service, at least on Sunday, and many of them regularly on prayer-meeting and other nights.

Nowadays, many of the children never see the inside of the Sunday School room. Many of their parents never attend the church or participate in its work in any manner. To a large extent, therefore, the church has lost the influential place it once held as an instrument of crime prevention.

Meanwhile, the school, which is present-day society's only point of collective contact with children of all sorts, has steadily advanced in its strictly pedagogic activities. It teaches more, and it teaches more expertly, than it did in our day and our parents' day. But we are still far behind in our efforts to relate the curriculum to present social complexities—to the very concrete problems of every-day life. The school must furnish an education in "living" to all children and it must furnish individualization of treatment to each. What curriculum does the unadjusted, handicapped youngster get that the normal average child doesn't get? These are some of our objectives and some of our problems.

As for relating the child's activities at school with those in the home, we

have all been blandly obtuse as to our duties and opportunities. It would seem to be self-evident, as one worker with youngsters puts it, that "by its failure to tie up the boy's school life with his home and recreational life, society makes about the same progress that one would, if, in trying to push a wagon up a hill, one gave a short shove and then sat down to rest, allowing the wagon to coast back to its starting place."

Another important factor is the failure of parents to understand the child and parental ignorance of methods of child training and character development.

This would seem to be a mild statement of a very serious situation.

MANY PARENTS have apparently not only lost their ability to understand and control their children, but fail utterly to understand and appraise the difficulties which their children must meet. This is especially, and perhaps excusably, true of foreign-born parents with American-born children. Our foreign-born citizens, although not immune to criminal tendencies, contribute no more than their numerical share to the volume of American crime. Their children, however, are apparently the victims of a loosening of the old control and a too quick assimilation of the new freedom.

Whatever the cause may be, the failure of both foreign-born and native-born parents to exert a proper influence over their offspring, is perhaps the chief motivating factor in the production of juvenile crime. Moreover, there seems to be little hope of an immediate change in this situation, since workers with children report that close to 75% of the problem children they are called upon to treat have parents who are problems themselves.

Fortunately, there is more encouragement to be had from a study of the delinquent children themselves than from any of the factors which might normally have been expected to keep them from delinquency.

Superficial observers of the child problem talk as if the present-day child was different mentally, morally and physically from his parents at the same age, as if there had occurred some species of generation in childhood itself. I do not believe that is so. Boys will be boys—always; and girls, girls. It is society that produces problem children, not the children themselves.

The child's chief desire is to have fun. It is society's job to see that he gets it, at the right time and of the right sort. If the child rebels because he doesn't get it, it is society's fault, not his.

This is the only simple part of the whole complicated problem. Children's wishes are themselves so simple that it is comparatively easy to satisfy them. Most first thefts are to obtain the luxury of a picture show or a ball game or a bag of candy. Of course, it is not so easy when the parents of the children are poor; but that is where the welfare worker and the Government relief agency come in.

Sometimes these normal wishes reach abnormal proportions through some undiscovered lack in physical makeup.

A judge in Indianapolis observed the case of an otherwise well behaved fourteen-year-old boy who repeatedly stole small sums to spend on candy. He recognized and apparently repented his error, but could not resist the temptation to

do whatever was necessary to satisfy this one craving. Laboratory experiments established a definite lack of sugar in this boy's physical composition. Once this lack was remedied, the boy straightened out, got a job at $13 a week, and is paying back what he stole at the rate of $5 a week.

Whatever the cause of a child's misbehavior, it is obvious, as one penologist has well expressed it, that "when we learn to look forward with the child instead of backward with the adult criminal, we will have made great strides in the prevention of crime."

At the turn of the century, the effort to "look forward with the child" took definite form with the establishment of the first juvenile courts in Chicago and Denver. These tribunals were not originated with the primary object of preventing delinquency. They were established, as one leader in this movement has pointed out, "because socially-minded people became convinced that throwing children into jails with hardened adult criminals, sex perverts, and prostitutes was poor social work. They came out of jail worse than when they entered."

Nevertheless, the plan, whereby a sympathethic judge heard the child's case informally, consulted with the child's parents, neighborhood welfare workers and officers of the law, then tried to work out some practical method of improving the child's environment or removing him from it, seemed to have so many possibilities for good that crime preventionists had high hopes of it.

When Boston, Milwaukee and other progressive cities followed, and the movement took on a nation-wide character, these hopes were strengthened; and when first one juvenile court and then another added the services of a clinic affording facilities for the psychiatric study of youngsters who failed to respond to the ordinary ministrations of the court, many optimists felt that at last the crime prevention compass had been boxed.

For thirty years thereafter, these optimists sat back and rested on the cushion of juvenile court omnipotence. Then, suddenly, came a bombshell that blew the whole structure of crime prevention optimism into the pessimism of outer darkness.

While the optimist slept, the scientist had worked. Harvard University had set in motion a survey "to gain understanding of the individuals who commit crime, what they are, whence they spring, and the forces that move them."

As a first step in this inquiry, a study was made of a thousand cases of delinquents sent by the Boston Juvenile Court for examination to its clinical adjunct, the Judge Baker Foundation. This study was entrusted to Professor Sheldon Glueck of the Harvard Law School in collaboration with Dr. Eleanor T. Glueck.

Now the Gluecks were friendly to the idea of a juvenile court. Their relations with Judge Frederick P. Cabot, renowned judge of the Boston court, were close and cooperative. The latter as a matter of fact, was one of the financial sponsors of the survey. Care was taken to select typical, not extreme cases, and only those cases which had been on the record books for five years, so that there

might be an absolutely fair test of how many of the youthful offenders were what the criminologists call "recidivists" and you and I would call "backsliders."

The Boston Juvenile Court, as an embodiment of the principle on which the juvenile court was founded and as a force for good in the general life of the community emerged from this inquiry with flying colors, but, as an instrument of crime prevention—well, let's use the language of the report:

"What was the conduct of our boys in the five-year post-treatment period? *Eighty-eight percent of them continued their delinquencies during this period.* Those apprehended were arrested on the average of 3.6 times each. Nor were the arrests of our youths essentially for petty offenses; two thirds of the entire group of 905 boys whose post-treatment conduct was determinable committed serious offenses, largely felonies.

"The major conclusion is inescapable, then, that, *the treatment carried out by Clinic, Court, and associated community facilities had very little effect in preventing recidivism.*"

Yes, that was the immediate major conclusion. The ultimate major conclusion, which shook the whole world of crime prevention to its foundations, was that we still had not gone down far enough in our digging for the roots of crime.

We should have known that without waiting for a professor to tell us. In fact at the Department of Justice, we knew that seventy percent of the boys who get into training schools and reformatories had previously rebelled against conventional educational methods, become truants and drifted about from one marginal occupation to another. Clearly this means that we do not recognize such cases at an early enough age and bring to bear upon enough of them character-building influences, the technique of the psychiatrist and the social worker.

In short, to wait until a child has committed an offense of sufficient magnitude to justify his appearance in a juvenile court is to wait too long.

All of which is no reflection on the juvenile court as a proper tribunal for the trial of cases involving youthful offenders against the law. It simply means that the primary function of the court is, as its founders intended, to keep children from being thrown into jails with hardened adult criminals. In other words, it provides an excellent method of dealing with delinquency *after* its occurrence.

What we must do, however, if we wish to prevent delinquency and thus to prevent crime, is to go out and find the probable—even the possible—delinquent child before he becomes delinquent, and to do whatever is necessary to keep him from getting that way.

This is obviously a much larger order than the detection and prosecution of crime or the confinement and parole of criminals, because it must enlist the services of the home, the school, the church, the character-building organization, the court, the police, the entire community.

It will require calm, dispassionate, thoughtful effort, and much the same sort of patience and sacrifice which characterized the fight on yellow fever and malaria. In the end, however, it will be equally successful.

Catching Crooks
IS NOT ENOUGH

II

CRIME PREVENTION is an ear-filling phrase which has almost as many meanings as the word "gentleman."

To the hard-headed police officer, grappling at close quarters with "the law in action," crime prevention is catching the criminal and putting him in jail. To the worried jailer, it is keeping him there.

To the social student, underneath all his confusing talk of etiology and ideation, groupists and recidivists, inhibiting neuroses and familial configurations —confusing, I might say, not only to the average layman but to at least one Attorney General!—crime prevention is catching the would-be or might-be criminal before he commits his crime, and diverting him through expert guidance into the paths of virtue.

To me, as chief law enforcement officer of our Federal Government, crime prevention is all of these things in one.

Together they could and should constitute what one person has termed "a streamline attack on streamlined crime." That they have not done so is the greatest reflection I know on the alleged modernity of our times.

There have been references in recent years and from high places to horse-and-buggy days. There has also been the suggestion that we are perhaps too inclined to cling to the outmoded practices of those ancient times.

As you know, I am not one to differ with that suggestion, except to remark that, since saddles were made before buggies, it might be just as accurate to compare our lagging practices in some important respects to the horseback pace of the early 1800's.

In the vital matter of crime prevention, we are not only still in the horseback era, but we still adhere to the fusty practice of locking the barn door *after* the crime has been committed.

In 1933, when the present Attorney General was first brought face to face with this appalling fact, the demand for crime prevention reached an all-time high. A nation, hitherto callous to crime, was horror-struck by the fate of the Lindbergh baby. The publicity

which followed spotlighted the whole criminal situation.

Every twenty seconds, hour after hour, day after day, a crime of desperate proportions — robbery, assault, burglary, rape, kidnapping, man-slaughter, murder—was being committed within the boundaries of the United States.

Over a twelve-month period, the almost unbelievable total of nearly 1,500,000 such major crimes were committed —a crime against one out of every eighty-four American citizens, affecting one out of every sixteen American homes.

Twelve thousand of our citizens were murdered. That was at the rate of thirty-three a day. Fifty thousand were robbed. A hundred thousand were assaulted. And the menace was growing every day.

There were probably twice as many people in the underworld carrying deadly weapons as there were in both the Army and the Navy—a whole half million of armed thugs, murderers, thieves, firebugs, burglars and hold-up men—and the havoc this standing army of criminals wrought was costing the people of the United States, under some estimates, at least, as much as eighteen billion dollars a year. For every cent American taxpayers spent for education they paid five, six or seven cents toward the crime bill.

To be sure, "crime waves" in the United States were no new phenomenon; and it was no new thing for an Attorney General to be appalled by them. Edmund Randolph, first of the line, wrote despairingly to James Madison of an escaped convict who was devastating the Virginia country-side: "Nay, I do not believe that government can by any means in its power effect the seizure of this man." Over a hundred years later, in 1889, Attorney General Miller confessed that in some districts the lives of the State's witnesses were in such danger that it would be "simply inhuman" to ask them to testify.

But these previous outbursts were sporadic in time and local in scope. The wave that was sweeping the nation in 1932 and 1933 was marked by its violence, the brazen methods of the perpetrators and the fact that the crimes were methodically planned and ruthlessly executed by organized gangs.

It was natural, therefore, that the law enforcement officials of the early Thirties should feel even more discouraged than Edmund Randolph and William Miller had felt before them; but there was not the same excuse for giving in to their discouragement.

After all, the world had progressed since Randolph's time, even since Miller's. Crime had progressed devastatingly. Its dastardly record showed that. Shouldn't crime prevention also have progressed? And if it hadn't, shouldn't it?

I think you all know the answer the Department of Justice gave to that last question. I think you will agree, too, that in the detection and prosecution of outstanding criminals, the Department has made commendable progress. And yet we have no more than scratched the surface of the body of crime.

"It is no easy task," as one of my predecessors in office has observed, "to abolish ignorance, poverty, vice and crime." And until but recently it has been generally assumed that it was not for the

Department of Justice to concern itself with this larger problem. Our traditional function might be described in the phrase "Catch them, convict them and confine them" and we have tried to obey this orthodox mandate.

But even in this narrow field any improvements we might initiate could only begin to solve the problem. For approximately ninety per cent of all offenses committed in this country are not within the jurisdiction of the Federal Government. Assaults, robberies, burglaries, murders, kidnappings are beyond the Federal pale unless perchance a Federal officer is assaulted, a post office is burglarized, a person is killed on a Federal reservation, the kidnapped victim is transported in interstate commerce or some other and usually narrow basis of Federal jurisdiction is present. Of the thousands of prosecuting officers in this country only 500 are Federal prosecutors. Compare also the small list of 19 penal institutions operated by the Federal government with the large list of state penitentiaries, city jails, and over 3000 county jails operated by states and their subdivisions. We can operate only within our proper sphere, and that sphere is determined for the most part by our constitutional pattern which divides powers and duties between the states and Federal government.

Our first task was to apprehend and convict and to do it swiftly, efficiently.

There had been changes for the worse in the crime situation. In 1932, the word "gangster" was on everybody's lips. Now, it is "racketeer." The transition is illuminating.

There have always been gangsters. In the Old World, they were called feudal lords and robber barons. As that 18th Century philosopher with the strange name, Beilby Porteus, phrased it, "Princes were privileged to kill, and numbers sanctified the crime."

In the New World, the gangster began more humbly. Back in the horseback days of the early 1800's, gangs had already developed in a background of slums, crowded tenements, poverty and vice. Into such conditions were crowded thousands of newly arrived and untutored immigrants. Originally the rival gangs were content to fight each other, but such unprofitable activities soon gave way to crime as a business.

Recognizing his power and profiting by his experience, the gangster began a "reaching out" process, seeking more sources of income and new methods of obtaining profit. He enlisted with both employer and employee in the labor warfare and took his toll from both sides. It was but a step further until extortion, intimidation and unrestrained force were extended to trades and business enterprises.

The gangster was now a racketeer.

Racketeering was not a novel type of human activity, either. The present day racketeer had his counterpart in characters of fact and fiction, including marauding potentates, who preyed on the caravans of desert merchants, and the barons of the Rhine and the Danube, who sold protection to merchants who transported their wares by boat.

Although the racketeer is a much more dangerous criminal than the gangster, and although his depredations, through merchants of every description

affect the pockets of all of us—as distinguished from the loss sustained by the individual who happened to get in the path of the gangster—the racketeer does not begin to cast the shadow across the general public's mental path that the gangster cast.

There are a variety of reasons for this. One of them is that in these racketeering days, the man who plans the crime, and causes it to be committed, and is the real criminal, is not the man who collects the tribute or does the brutal killing. There is less drama to this new type of professional bad men; and for that reason he appeals less to the public imagination.

This fact has its compensation. There is less temptation to the playwright and the scenarist than there was in the earlier phase of gangster crime to indulge in harmful glorification. But, from the standpoint of successful prosecution, the secret methods of the racketeer, often hidden from the officers of the law by the very victim whom he fleeces, present new problems which must be solved by new methods.

It is, of course, elementary that in any advanced society there must be two parallel programs to cope with delinquency and crime: one the immediate program; the other, the long-time one.

The immediate program is the one with which we are all familiar. A bank is robbed; a child is kidnapped; a citizen murdered. Immediate action is imperative. The thief must be caught; the kidnapper apprehended; the murderer prevented from killing others. And since, in 1933, we were face to face, every twenty seconds, with this desperate type of criminal "with all his crimes," as Shakespeare has it, "broad blown, as flush as May," it was our inescapable duty to grapple with the immediate program first.

The public demand that we throw away such Federal policing methods as we had already developed and substitute for them something else, *anything else,* was daily growing stronger.

"The Lindbergh kidnapping would never have happened in England!" shouted one group.

"Give us Scotland Yard!" cried another.

There were, of course, excellent reasons why the Lindbergh kidnapping could not happen in England, and could here. Chief among them was that Great Britain was an Island: there would be no place remote for the kidnapper to escape to, no remote place for him to hide his victim.

Nevertheless, the Scotland Yard idea found strong proponents. Commissioners, Inspectors and Superintendents of that excellent London police force have thrilled us for generations as they stalked through the pages of English fiction: Charles Dickens' "Inspector Bucket," Wilkie Collins' "Sergeant Cuff," Conan Doyle's "Lestrade," so often saved from failure by the Wizard of Baker Street. Few of us have realized that Scotland Yard is not primarily a detective force, and is not a national law enforcement organization, but is simply a romantic name for the Metropolitan Police Department of the City of London, one out of a hundred and eighty-seven police forces in England and Wales.

True, the Yard's Criminal Record

Office acts as a clearing house of Identification data for the British Isles, in much the same way as the Identification Unit of the Department of Justice serves the law enforcement agencies of this country; but it is significant, as reflecting the difference in scope of the two units, that Scotland Yard, when I last visited it, had a collection of about 500,000 fingerprint records, while the Identification Unit of the Department of Justice has over 6,000,000, and is increasing this quota at the amazing rate of 3,700 a day.

But even if it were assumed that Scotland Yard operated over the total area of Great Britain, its problem could not be compared to the conditions which exist in the United States.

Take the Urschell kidnapping case, for example. Mr. Urschell was kidnapped in Oklahoma; he was carried into a remote section of Texas; the demand for ransom money came from Missouri, and there was already prepared a gang of confederates in Minnesota to make disposition of the ransom money.

There were other groups in 3 different additional States and our representatives had to travel in 16 states in rounding up those criminals. But calculating only the 7 original states; exclusive of the additional states in which our representatives traveled, those 7 states have an area of about 683,000 square miles, and that 683,000 square miles superimposed upon the map of Europe would cover Germany, France, Italy, Austria, Denmark, Holland, Switzerland, England, Scotland and Wales.

The Urschell case was by no means exceptional from a geographical standpoint. In another recent kidnapping case, the operations of the criminals took place in seven states; and it was necessary for the agents of the Department of Justice to go into nine additional states in their successful efforts to solve the crime and bring its perpetrators to justice.

My visit to the famous Sureté National in Paris in search of light on our own policing problem was equally discouraging. One could not fail to be impressed by the alertness of its representatives and the infinitely painstaking methods in vogue. For France, although somewhat larger in territory than its British neighbor, is one of the most difficult countries in the world in which to become lost. Its wide flung method of personal check, its cards of identity, its registration through hotels, lodging houses, and "the concierge system" are of great assistance in police work, though hardly adaptable to our own institutions.

A study of the Belgian situation yielded similar results.

The conclusion was obvious: European countries—relatively small in territorial extent, homogeneous in population, without conflicting sovereignties and jurisdictions—had a problem far less complex and difficult than our own. Manifestly we had not met our crime problem as well as they had theirs. Undoubtedly there were many lessons we could learn from their experiences and methods. Our job, however, was the development of a system suitable to our own peculiar needs, and for this there was no precedent.

So, balked in our efforts to find a

ready-made solution to our problems, we turned back to the forces we already had at our command, and concentrated on the job of making them more effective. That job, we soon found out, was not so much a change of method as a release of energy.

Federal law enforcement agencies were active, efficient and alert to modern needs; but they were so hampered by restrictions on their operations that they were well nigh helpless in their battle with nation-wide crime.

At the time of the adoption of the Constitution of the United States, there was little need that the Federal Government should concern itself with such a problem.

Due to the isolation of the different settlements, the operations of criminals were, of necessity, local in their nature.

You will recall that when John Adams first went from Boston to Philadelphia, his wife, the famous and delightful Abigail Adams, made note of the fact that it took five weeks to receive a return letter from that "far country."

Now, goods and people move as quickly from San Francisco to New York as they once moved from Philadelphia to the National Capitol. From Chicago to Washington is no more distant in time today than from Concord to Boston, by foot or horse, one hundred years ago. Crime, like everything else, has felt the effect of this "speeding up." It is no longer a menace of purely municipal, county or state limitations. Like prairie fires, starting from a tiny blaze and raging with the first sweep of the wind into instruments of major disaster, crime of today may begin with a petty infraction, and within seemingly insignificant space of time, encompass every form of outlawry.

To meet these new conditions, State and local authorities were, in the nature of things, virtually helpless. Even within the same state, there is still complete independence as between county and county; and if there be partial cooperation it is on a treaty basis which exists or not, according to the personal acquaintances and friendships of the different officials. If they wish to cooperate, they do; if they do not wish to do so, they do not; and if they happen to be jealous or fearful of each other, there may be not only failure to cooperate, but the actual placing of obstacles in the way of successful prosecution. In any event, they are hamstrung in any battle with inter-sectional offenders. The state has never been a unit of law enforcement. The county? Yes. But not the State.

The more deeply we went into this problem, the more obvious it became that our first and perhaps our chief trouble was that much crime was organized on a national basis, and we were not. It was clear, too, that no state or local organization, whether modeled on the vigilance committees of the old West or on the metropolitan police department of a modern city, could expect to cope with our far-flung problems.

In short, what we needed to catch our interstate criminals was a further development of what we already had in the Federal Bureau of Investigation of the Department of Justice under the able and vigorous directorship of J. Edgar

Hoover. But we needed modern scientific equipment. The special agents needed automobiles, fire-arms and protective devices. It became apparent that training and retaining of the men was a subject for special emphasis. New field offices would have to be opened, more agents secured. All these things and more were necessary and we secured them. It was not long before the Bureau of Investigation became the best equipped law enforcement unit in the world. We needed also laws to free us from the shackles that had been placed upon us during the horseback era.

This being clear, we went to Congress with recommendations for twenty-one bills designed to put teeth into our existing machinery of law enforcement. These suggestions a thoroughly cooperative Congress promptly approved and enacted into law.

Freed from shackles by this new legislation the investigators and prosecutors of the Department have made a record which the world has acclaimed. The stories of our activities in certain famous kidnapping and gangster cases have been told much more dramatically by the gentlemen and ladies of the press than I could—or would!—tell them.

At any rate, in California, in Massachusetts, in New Jersey, in Missouri, in Kentucky, in Illinois, in Texas, in all the states, disturbed firesides of law-abiding American citizens were promptly comforted as a result of the combined activities of local officers and representatives of the Department of Justice in detecting attempts to extort money under threat of injury or kidnapping, and in punishing promptly other crimes. In all of these cases—and the hundreds that have followed them—effective results were speedily accomplished through friendly cooperation with local law enforcement organizations.

Jealousy between Municipal and State and Federal law enforcement bodies, which has long been an obstacle to effective crime prevention in this country is fast disappearing.

One of the most outstanding illustrations of cooperation is found in the system whereby the Department's collection of over 6,000,000 fingerprints is available to the State and Municipal police departments who have assisted in supplying this unprecedented collection. This cooperative venture results in the identification of approximately 1,000 arrested persons every day.

The Statistical Section receives reports of crime conditions from the police departments of more than 1,600 cities, and, after compiling these records, furnishes them to police departments, thereby enabling them to study crime trends and fluctuations.

A technical laboratory is maintained by the Department at Washington. This laboratory not only permits an analysis of possible evidence, but it likewise affords an excellent school for the study of the use of the latest scientific equipment.

It is appropriate while speaking of cooperation to state that Mr. Fulton Oursler, editor of Liberty, was one of the most enthusiastic participants in the Conference on Crime in 1934 and through Liberty Magazine and the related publications a real contribution

has been made to the thinking on the crime problem.

It is one thing to catch a criminal. It is still another to convict him. The latter task is committed to the prosecuting arm of the Department and centers in the Criminal Division. Here a staff of 35 attorneys supervise prosecutions in the Federal courts. This is the clearing house for Federal prosecutors. Here special trial men are available for service in the field. Here all correspondence with United States Attorneys in criminal cases is carried on. Here briefs in criminal cases in the Supreme Court and other courts are prepared.

In the field there are over 500 United States Attorneys and their assistants, located at strategic points in the 95 Federal districts. Federal prosecutors are stationed in every district in the United States, and in Hawaii, the Canal Zone, the Virgin Islands and in far-off Shanghai, where, under extra-territorial arrangements the United States Court for China passes judgment upon the United States citizens who violate laws enacted by Congress back in Washington. These prosecutors constitute a far-flung branch of our crime control program.

While 60 attorneys compose the staff of the United States Attorney of New York City, one lone assistant holds forth at Corpus Christi, Texas. Much of the work of these attorneys is civil in character, but the major share is taken up with criminal cases. These cases are investigated by over a dozen separate investigative units, including the Federal Bureau of Investigation, The Post Office Inspectors, the Secret Service, the Narcotic Unit, and the Intelligence Unit of the Treasury Department. I am proud of the record made by these prosecutors. During the first half of the past year convictions were secured in 94.4% of all criminal cases brought in the Federal courts.

Yes, the Department of Justice has made progress in the important and immediate task of arresting and convicting federal violators. Gangsters and racketeers and even ordinary offenders hesitate longer before committing a punishable offense. A beginning has also been made in the fight for really effective prison and parole system, but more as to that later.

The Scandal OF OUR JAILS

III

Most of us, who try to live in such a manner that we won't go to jail, know little about what jails are like, and less about what they are for. If we think about them at all, we associate them exclusively with crime punishment. We never think of them either as instruments to crime prevention or as obstacles to that goal.

The Federal Prison System is now the largest single correctional system in the World. In the twenty-two Federal penal institutions there are now almost 17,000 prisoners. In addition, we have about 5,000 Federal prisoners in state and local institutions and approximately another 1,000 persons in the United States narcotic farms, which come under the jurisdiction of the United States Public Health Service. I note from the weekly statistical report on my desk that there are also about 25,000 men and women under probation supervision and approximately 5,000 former inmates of our Federal institutions under parole supervision. In all, there is today an army of 52,000 prisoners, former prisoners, and probationers under the control of the Department of Justice. This group consists of a relatively small number of "big shot" racketeers, gun-men, kidnappers, and fraudsters as well as a large heterogeneous array of "small-time" moonshiners, automobile thieves, drug peddlers, counterfeiters, and forgers.

The administrative job of guarding, feeding, employing, educating, and supervising so vast an army is a staggering one. Almost twenty-five per cent of all the funds expended by the Department of Justice goes to this work. To describe how we classify or sort out these men into homogeneous groups, analyze their problems, employ them, and provide them with the individual treatment necessary to redirect their criminal tendencies would take a volume. Just consider, for example, the difficulties connected with providing these men with useful and stimulating employment in such manner as will not interfere with private industry and the free citizens. This problem has troubled Attorneys General ever since the Department of Justice was established. No one condones idleness in prison. Every taxpayer insists that the prisoners ought to earn

their living by the sweat of their brows, but how to work out the practical questions connected with this problem perplexes the imagination and ingenuity of all of us. This and a hundred other problems comprise the science of penology which deserves more detailed treatment than can be given here.

Under the able direction of the former Director of the Bureau of Prisons, Mr. Sanford Bates, and his successor, Mr. James V. Bennett, great progress has been made recently. The Federal Government during the last few years has completely reorganized its prison system and has provided facilities geared to handling scientifically the men and women who are committed there by our courts. Perhaps the worst blot on the American penal picture is the county jail. And yet the average citizen knows nothing about this institution in his midst.

In the United States there are over 3,000 county jails, each one operating independently and for the most part under the jurisdiction of officials elected without consideration as to their qualifications or experience in prison work. In many instances these officials have numerous other remunerative interests and responsibilities and give little of their time to the management and control of the jail. They have no qualms about delegating authority to the lowest bidder in the community, who acts more or less as a janitor, with the result that the actual management of the jail is left to the prisoners. In fact, Federal inspectors have been met at the doors of some jails by prisoners who had the keys, and apparently full control.

A typical example of a sheriff's practice of forgetting the jail for more personal interests is clearly shown in the following epistle to the Federal Bureau of Prisons which came in reply to letters calling his attention to the necessity for correcting conditions in the county jail:

"My failure to reply to these letters is due to the fact, as you know, that this State during the months from September to April was involved in a campaign. For your information I was also in that campaign, which campaign I started the latter part of September and did not finish until about the 3rd of April. We were reelected by a very handsome majority. I am out of the campaign now and can give those matters my personal attention."

What do you suppose happened to the prisoners in this jail during the seven months from September to April?

On my desk as I write, is a report showing that in other jails favored prisoners have been allowed to leave and go to the race track, attend county fairs, and in at least one instance to attend one of the games of the World Series. In another case prisoners were allowed to leave a jail and to work at a gasoline station and on a farm owned and operated by the jailor. At this same jail women were taken out and permitted to work in a tea room owned and operated by this same official, on a public highway.

Liquor and drugs have been trafficked into jails and drunken parties permitted. When a minister was greeting the prisoners after a religious service in one of the jails, he suddenly drew away as if he had received a great shock. The room was filled with a

strong odor of alcohol. Apparently several of the prisoners had been imbibing freely during the services: and one still had some of the evidence in the form of a pint bottle, visible in his rear pocket.

There was such poor discipline in one jail, as well as lack of control, that a prisoner left the jail three times in one evening, went to his home, became intoxicated and caused a disturbance. Twice the sheriff was called and returned him to jail. However, this apparently did not impress upon that official the fact that he was neglectful of his duties, because the prisoner went home a third time, displayed a more violent temper, and was finally arrested by the local police. He was sentenced to pay a fine, but had no money; and the police refused to turn him over to the sheriff until the fine was paid. The sheriff very reluctantly paid the fine.

Escapes, under such circumstances, are so simple that they would be ridiculous if they weren't tragic.

A newsclipping from a paper in a middle-sized town recently reported that a bank robber "sang his way out of the local jail." It was stated that he took his place among the visiting religious group that had been singing hymns to the prisoners, and walked to freedom directly past the jailer. Another escape item read: "While a trusty was guarding the cells, a prisoner held in the county jail walked nonchalantly up to the door. 'I'll go now,' he calmly announced. The obliging trusty opened the door and the prisoner walked out."

In one case five prisoners escaped from a well constructed, fairly modern jail under circumstances strikingly exemplifying the gross negligence of jail officials. For four days the prisoners had worked without detection removing rivets and hammering noisily on steel before they effected their escape. About 4.25 in the afternoon of the day they left, they invited a sixth prisoner to accompany them. When he refused, they bound and gagged him and placed him in an unused cell.

At 8.30 that evening a turnkey brought in a new prisoner and placed him in the cell block, but apparently made no observations whatever. Twenty minutes later the five prisoners—including the one admitted by the turnkey only twenty minutes earlier—made their escape. At approximately 9.25 a turnkey went to the cell block and locked the cells for the night without taking a count of the prisoners or learning that any had escaped. Sometime later the prisoner who had been tied up managed to free his feet sufficiently to kick a garbage can around until he attracted the jailer's attention.

One does not need to be a penologist or a sociologist or a psychiatrist to know that prisoners emerging from such loosely administered institutions as I have described must inevitably regard the forces of law and order with derision, and look upon the possibility of being returned to some such haven as the result of committing another crime without the slightest feeling of apprehension.

But there is another type of jail, all too common in our supposedly progressive land, which arouses in the breasts of its inmates quite different emotions, which are, perhaps, even more conducive to a continued career of crime.

None of us likes to read about horrors

—at least, when they are real horrors, for which unconsciously we may be somewhat to blame—so I will be brief; but the reports of our investigators on the sanitary and moral conditions in large numbers of our local jails reveal a state of things which could scarcely have been tolerated in the dungeons of the Dark Ages.

No attempt is made in these offending institutions to separate male criminals from female criminals, adult criminals from youthful ones, or even to segregate prisoners with contagious diseases. Immorality of the grossest sort rages unchecked. Cells are vermin-infested. Fire hazards are ignored.

It might be assumed that local boards of health would be responsible for checking the cleanliness and sanitation of these local institutions; but our investigation showed that 2,204 out of about 3,000 county jails were never visited or inspected by local boards of health or other sanitary organizations. The following is quoted from an inspector's report:

"The sewage system has been out of commission for some time. The septic tank overflows not far from the jail kitchen, causing bad odors and great menace to health; also, causing most of the sanitary facilities to be stopped up. Since the windows have neither heavy screens nor fly screens, great swarms of flies today were seen all over the food which the prisoners were eating, and they had direct access to this awful cesspool."

In fairness to the group of officials directly in charge of these institutions, it should be stated that there are some who are willing and anxious to maintain proper standards, but are unable to do so because of lack of funds or lack of cooperation on the part of other local officials having a joint responsibility.

Whatever the cause, however, the resulting condition is an intolerable one, not just from a sentimental or emotional standpoint, but from the practical and responsible standpoint of those charged with the prevention of crime.

Perhaps these conditions, both the too lax and the too oppressive ones, are no worse than those which existed in the decade following the Revolutionary War, when—even in Philadelphia—the warden of the Walnut Street jail permitted religious services for his charges only if the preacher was accompanied in the pulpit by a gunner with a lighted taper standing beside a loaded cannon pointed menacingly at the worshipping congregation. But, so far as making anything out of the residents of our jails except enemies of society, the 20th Century seems to have made pitifully few gains over the 18th Century.

The root of most of our difficulties with the county jail dates back to the early days when these conditions existed. The fee system which prevailed generally in America during the colonial days and the Revolutionary Period still survives in a large number of our present-day counties and is responsible for many of the evils surrounding the county jail. Local sheriffs receive a fee for the support of prisoners committed to their care and are permitted to put in their own pockets any amount they can save. Here naturally is a strong

temptation to run the jail in a sloppy manner in order to make a profit for the sheriff.

In many counties the sheriff is the most highly paid person in his community. Records indicate, for example, that one sheriff whose salary was supposed to be $1,200 a year actually reported an income of about $14,000 a year while he was in office. A number of county sheriffs have an annual income of $25,000 and upwards. Part of this income is derived from what the sheriff can save on the convicts' rations. The fee system is being gradually abolished, but it is still characteristic of far too many local political subdivisions. Until it is abandoned completely, it is almost hopeless to look for any large improvement in the county jail system.

Over 600,000 persons are committed to these county jails every year under sentences ranging from a few days to death. If you add to this stupendous total the number of persons committed to await trial the prison population would probably fall not very far short of 1,000,000 persons passing through the jails in the course of a year.

A prison population of 1,000,000—a large, though not too shining mark for any crime prevention program to aim at!

Here, in one vast audience sit the men and women who commit the bulk of our serious crimes. Here are the desperate criminals who must be prevented from escaping to ply their dastardly trade. Here are the beginners, the tyros in crime, the men and women and boys and girls, who have made one mistake or who are awaiting trial for offenses which they later prove they did not commit, who may still be diverted from a career of crime.

Here is a great sector of the standing army of crime—generals, regulars, volunteers, conscripts, recruits—where we can discipline them, work with them, perhaps rehabilitate them. If the latter eventuality is not possible—and unfortunately in the case of many hardened criminals, it is not—we can at least send them out at the end of their terms with a wholesome respect for the principles of law and order and a wholesome fear of offending further against those principles.

Failure to achieve these objectives, at least in part, means the failure of any crime prevention program. We decided that it should not be permitted to mean the end of ours.

So the Department of Justice went to work on this problem just as vigorously as it had on the problem of detection and arrest.

First of all, it held the keepers of its Federal prisons to the highest standard of efficiency: the idea being not only to effect a high-grade penal system for its own sake, but to serve as an example —just as the Federal Bureau of Investigation has served as an example to all law enforcement agencies—to all jails and prisons of every kind and class.

This aim was assisted in no small degree by the Department's development of Alcatraz — known throughout the underworld as "The Rock"—where recalcitrant prisoners, who might invite attempts at rescue from without in more accessible locations, could be safely held under strict discipline through-

out the entire term of their incarceration.

The majority of the inmates of our Federal prisons are comparatively well behaved; but a few desperate criminals among them present a menace to any penal institution. Relatives, friends and fellow members of the gang congregate near the prison to be of help when a favorable opportunity is offered. This condition invariably exists where large penitentiaries are located.

For some time I had desired to obtain a place of confinement to which these more dangerous and intractable criminals could be sent. Such a place should be apart from the large centers of population, preferably on an island which would not be easy of access. It was not my purpose to find a prison in which the inmates would be subjected to any unusual or unreasonable environment, but rather a place which would be apart and inaccessible, so that the holding of the inmates would be assured and their influence removed from the better class of prisoners.

By negotiation with the War Department we obtained the use of their precipitous island in San Francisco Bay, more than a mile from shore, where the current is swift and escapes are practically impossible. Alcatraz Prison has secure cells for six hundred persons. It is in excellent condition and admirably fitted for the purposes I had in mind. Incidentally—and perhaps not so incidentally, either—fear of being sent to "The Rock" has not only promoted better behavior within the walls of other Federal penitentiaries, but it is known to have had a wholesome deterrent effect on criminals without the gates.

The over-crowded condition of our Federal Penitentiaries, which neccessitates housing less dangerous prisoners and those arrested persons who are being held for trial in local jails, has turned out to be blessing in disguise, so far as setting an example was concerned —*and* enforcing it..

The Federal government has no right to dictate to the local officials how the county jails should be operated. It should be remembered, however, that the Federal government has to use county jails for many of its prisoners. It is therefore within its province to refuse to use jails which do not meet its standard, and to transfer its own Federal prisoners whenever local officials show an unwillingness to cooperate in remedying conditions which have been called to their attention by the Bureau of Prisons.

This was our opportunity. Local authorities were desperately in need of the income derived from boarding these Federal charges. In many instances that income meant the realization of long cherished ideals for better prison conditions. In all instances, it meant additional money in the local treasury.

Before a local penal institution could qualify for a Government contract, involving a remunerative payment for the care of each Federal prisoner, it was obliged to satisfy the Department of Justice as to its physical equipment, its moral standards, its break-proof qualities and its all-round efficiency of management. To stimulate still further the efforts of local authorities, to whom the income from the Government was of importance, the Department arranged

a comparative merit system for the jails that passed the official test, and paid a sliding scale dependent on its degree of excellence.

A rigid jail inspection system has been established, and frequent thorough inspections are being made. Officials immediately in charge of the jails are furnished with practical suggestions for improvement. Higher local officials are notified of existing conditions. United States marshals and judges are likewise informed, and a list given them of jails approved by the Bureau. The cooperation of state agencies and organizations has also been solicited and a system for the exchange of reports divised.

Every effort is made to select the best jails in each district. Whenever possible, female prisoners are concentrated in jails where matrons are employed. When conditions warrant it, jails are condemned and Federal prisoners removed. When actual improvements have been made in jails that have been condemned and conditions have been brought up to the required standard, the jails are reinstated.

As a result of the conditions which our inspectors reported, 1,600 county jails out of a total of 3,000 were condemned as unsuitable for Federal prisoners; and 748 others may be used only in an emergency. That means that almost fifty per cent of our local jails do not meet minimum standards, and 25% more are tolerated only because no other place can be found.

These are not comforting figures. They show conclusively the need of a wholesale clean-up of jail conditions.

The ancient county jail system which was inherited from England three hundred years ago is an anachronism in our social order. In this airplane age we do not need this survival of the ox-cart days. We can now consolidate the small local county jails into area or regional institutions administered by expertly trained officers and, at no additional cost to the taxpayers, provide sentenced prisoners with reasonably decent care and treatment. If larger regional institutions of this kind are established, we can get rid of the indiscriminate mixing of the young with the old, of the first offender with the hardened, and of the healthy with the diseased. We can then provide them with a modicum of employment, reasonably decent medical and hospital treatment, and classify them according to the character and nature of the crimes they have committed. In the long run the savings under such a system would be manifested not only in an actual decrease in the money cost of maintaining prisoners but in the larger and more important saving of the human suffering caused by crime.

It is too early, of course, to pass final judgment as to the results of the Department's prison program in decreasing the prevalence of crime; but the Department is pleased to record one important and immediate change for the better: the number of Federal prisoners escaping from these carefully investigated county jails is now less than one-fifth of one per cent.

A well regulated parole system whereby deserving prisoners may be permitted to leave their cells before the expiration of their terms, and get permanent work outside the jail under the super-

vision of honest parole officers, has its proper place in any program of crime prevention. In fact, it should be a powerful instrument to the success of that program, since it is founded on the theory that, wherever rehabilitation is possible, it is better to release a deserving prisoner under strict supervision and permit him to prove his worth in the world he must ultimately face, than it is to force him to languish in prison, and then turn him out at the end of his term totally unprepared to carry out his good resolutions and without the guiding influence of any supervision.

It must be borne in mind that parole is not a means of shortening the sentence of a prisoner or any easy way out. A system of parole, which is really properly organized and administered, is looked upon by the prisoners as a burden and not a boon. I recently looked over the case of a prisoner who had declined parole because he said he was unwilling "to gamble one year for four years." By that, he meant that he'd rather stay in the penitentiary a year more than to be released under a parole system which would place him under supervision for an aggregate period of four years. He wanted to leave prison "scott free" with no strings tied to him so that he could do as he liked when he left the penitentiary rather than be under the constant supervision of a Federal Parole Officer.

The Department of Justice rejects the idea that parole should be used for clemency, as an opportunity to review the sentence meted out by the trial justice, or for any purpose except to provide a scientific and helpful means of rehabilitating those cases where experts agree that reformation is possible. Its whole justification lies in the fact that it affords the state an opportunity to judge a prisoner's fitness for freedom under actual living conditions and while it still has the legal right to hold him. Wherever parole systems do not do this, then they cannot rightfully be called parole. Release without supervision is not parole. If parole is used by the venal or the unprincipled for shortening the sentence of a prisoner, it certainly ought to be condemned.

One of the fundamental difficulties of many parole systems springs from the fact that state legislators, when harassed by demands to reduce prison and crime costs, enact a parole law but do not provide the necessary funds for its administration. In many states the prisoner is released under a parole system which has no funds or means to employ the skilled personnel needed to assist the prisoner in readjusting himself again in the community, supervise his conduct, or see that he does not lapse again into criminal ways. It costs an average of about $300 a year to maintain a man in prison, and it seems only reasonable to ask the state to expend an average of about $50 a year to supervise him when the walls of the prison are figuratively extended to include the community in which the man, who is still a prisoner, takes up his residence. But with one or two exceptions no state is expending as much as this in the administration of its parole system, and most of them spend practically nothing for parole service in the community.

Incidentally, of course, parole boards are human and their judgment is not

infallible. Our knowledge of psychology and the vast number of hereditary and environmental factors which effect human conduct is still so meager that we must not expect perfect success when selecting men to be given another trial in the community. There is no reason to believe, however, that men on parole boards, if they have the proper facilities at their command, will be mistaken in their judgments any more frequently than are other men who wear judicial robes but who are chosen in the same manner and presumably have the same qualifications as those who sit on parole boards. On the contrary, it is reasonable to believe that the judge's opinion may be so colored by the emotion and the oft-times hysterical atmosphere surrounding a case that he will hand down a sentence which fits neither the criminal nor the crime he has committed.

We know from two hundred years of experience that long sentences cannot cure crimes. If that were so, all we would need to do would be to construct more prisons, build higher walls, and mete out longer sentences. Moreover, if any such simple solution were possible, the crime problem would have been cured long ago. Certainly also, no one has been able to suggest a substitute for the parole system or evolve a plan which precludes the possibility that prisoners will again resort to their former criminal ways. Remember, in this connection that every other man who now enters prison has been in prison on at least one former occasion. A small percentage of these have had the benefits of parole.

I do not mean to say that much cannot be done to improve the parole system. Since crime is now a nation-wide problem and it can be controlled only when all of the states work together, the Department of Justice is trying to foster a middle-of-the-road program relating to parole. We allow for parole but seek to improve its administration.

HERE THEN, as in the case of the jails we have a great opportunity and a great problem. Parole can become an effective weapon in the fight to prevent crime, or it can be, as it too often is now, a bludgeoning blow to those whose duty it is to enforce the law, and a continuing menace to the safety and happiness of the law-abiding citizen. And again, as in the case of the jails, the Department of Justice has no authority over the parole systems of the various states and no right to tell parole boards how they should conduct their vitally important business.

What the Department can do—and is now doing, is to conduct a thoroughgoing survey of the methods of releasing prisoners in the various states, and to give the widest possible publicity to the findings of this survey. On July first the collection of statistics which had progressed for 18 months came to an end. Within the next year I hope to have published a study which will for the first time describe the parole practices of the 48 states.

We must remember that the problem of crime control falls into two broad fields—one repressive and punitive in nature and the other preventive and reformative. Neither can be neglected, and the Department of Justice strives to give equal consideration to each field even though the methods of approach

sometimes seems to be in sharp conflict.

Our jails and prisons must be considered as places where men go *as* punishment and not *for* punishment. President Roosevelt, who has given a great deal of thought and attention to the crime problem and has always been a constant supporter of our efforts to curb crime, once said in commenting on a biography of Thomas Mott Osborne that he liked to think of Mr. Osborne "as a real pioneer who brought out the fact that ninety men out of every one hundred who go to prison return sooner or later to our midst as members of our communities. His (Osborne's) deep principle was wholly sound—that human beings who are apprehended and punished by the state for sins against society can, in a very large percentage of cases, be restored to society as law-abiding citizens. It is in the prison itself where the greatest opportunity lies in turning men who have sinned into men who will sin no more."

The improvements in the detection and apprehension of criminals instituted by the Federal Bureau of Investigation and adopted by cooperative local law-enforcement agencies have received the stamp of enthusiastic public approval. The less spectacular but none the less important work being done by the Bureau of Prisons in raising standards in jails and prisons will, as people become educated in crime control, receive enthusiastic commendation. In the next chapter, I will discuss some practical steps which can be taken to prevent crimes before the jail stage is reached.

Children First

IV

With the collapse of the juvenile court as a crime prevention cure-all, there was a great scurrying about among welfare workers and delinquency experts to find a satisfying substitute.

The church, which, a generation or two ago, would have been a first refuge in such an emergency, was out of the question. A study of more than fourteen thousand cases of juvenile delinquency had already shown that less than a third were connected directly or indirectly with any church or religious group.

The great character-building organizations associated with the church, such as the various Y's, although admittedly reaching an enormous group of young men and women in their late nineteens and early twenties, made few contacts with the youngsters crime preventionists were trying to reach. Less than fifteen per cent of the fourteen thousand typical cases were connected with these associations.

How, then, to reach the other eighty-five per cent?

The Boys' Club and the Girls' Club, the Boy Scouts and the Girl Scouts, were obvious possibilities as new cure-alls. But aside from the inescapable fact that no one of the four organizations, for reasons of sex or scope, could cover the whole field, as the juvenile court was supposed to have done, there was reason to doubt if all four could be expected to do so.

Here and there, a Boys' or Girls' Club, situated in a deteriorated area—as, for instance, the All Nations Boys' Club in Los Angeles—measured up to the specific requirements of crime preventive effort. The average Boys' Club, on the other hand, dealt with a stratum of youthful society a cut above the thickest layer of delinquency.

The Scouts seemed even less available as a central agency for reaching juvenile crime in the congested areas. Mr. Walter Cade Reckless, in his volume "Juvenile Delinquency," gives cogent reasons why this is so:

"It is clear that the Scout program reaches boys primarily between twelve and fourteen years. Since the roots of delinquency usually go back earlier in childhood, one can hardly say that the Scouts are reaching boys early enough

to offset the factors making for maladjustment and misconduct. Even if the Scout progress were pushed down in years. . . . the Scouts attract the already moralized, well-organized boys and their local troops tend to be distributed in the non-delinquent areas of the city —areas where delinquency rates are low, public and Sunday School records are high."

GRADUALLY it dawned on the crime prevention world that there wasn't any cure-all for the juvenile situation.

Following the abandonment of the cure-all scheme, attention centered on finding some one basic principle of approach to the problem on which all could agree and to which all could conform. There were those who felt that economic stress was the underlying cause of all delinquency. There were others who felt that organized effort should be concentrated on the individual child's emotional reaction to his surroundings. A third group favored exclusive attention to playgrounds and other recreational facilities.

From this babel of opinions emerged the now largely accepted truth, there is no one principle, any more than there is any one type of organization, applicable to all delinquents and all delinquent areas.

This conclusion, although discouraging enough so far as a prompt solution of the problem was concerned, built for ultimate victory by bringing under the microscope for scientific study and appraisal all of the worth while efforts, which had been made by different types of agencies working on different sets of principles suggested by the different problems of the communities in which they operated.

First, there were those old standbys, the Children's Village, which had operated for eighty years at Dobbs Ferry on the Hudson, and the George Junior Republic, where, for nearly fifty years, good citizenship was taught to bad boys. The former institution, famous for its vocational training, and the latter, for its successful experiment in self government, both exemplify the sound principle of "learning through doing."

This type of organization does an invaluable work with certain types of boys; its guiding principles might well be extended to the activities of other agencies dealing with delinquents; its operation, however, requires an outlay which, at the moment, is quite beyond the resources of the average community.

Less expensive organizations of similar character have done excellent work in some localities. The Summer Camp for Delinquent Boys at Lake Greenwood in Franklin County, Ohio, has cooperated with an exceptionally able Domestic Relations Court in Columbus to achieve exceedingly satisfactory results. Longview Farm, at Acton, Massachusetts, sometimes called "a professional foster home," has been notably successful in the supposedly impossible task of creating home atmosphere on an institutional scale.

Plans, which use the school as a focal point, vary from the individual efforts of progressive teachers in ordinary public schools to elaborate institutions specially maintained for the education of the problem child.

Typical of the first group are the East Harlem and Public School 181 plans,

both due in large measure to the inspiring influence of one teacher, the late Nathan Peyser, who died only last year while still principal of Public School 181 in Brooklyn.

Recognizing that the school is but one of many agencies operating in the life of the child, Mr. Peyser felt that the school was "ideal instrumentality" with which to unite and motivate the forces of "churches, settlements, missions, nurseries, libraries, clinics, charity organizations and other welfare units."

The special-school group is typified by the famous Binet Schools of Newark, New Jersey, which have been operating with marked success for twenty-five years, and the Montefiore Special School for Problem Boys, established in 1929 by the Chicago Board of Education. Both are frankly experimental.

In between are the Bureau of Special Service in the Public schools of Jersey City, which might be described as a city-wide elaboration of the Peyser idea. Through this service all cases of juvenile delinquency which the police detect are referred first to the Bureau instead of to the Court, and many children are thus spared appearance in court. It furnishes one of the best examples of close cooperation between the police and the school. Mention should also be made of the work with maladjusted children in the public schools of Detroit, which includes not only special behavior schools like the Binet and the Montefiore but a well organized plan for impregnating the school system with scientific treatment of special student needs.

The least pretentious and perhaps the most practical contribution that the schools have yet made to the crime prevention cause is the visiting teacher, whose duty is to visit the schoolroom and consult with the regular teacher about her problem children, and then visit the homes of those children and consult with the parents in an effort to bring school and home together in intelligent, effective effort. It may be accepted almost as an axiom that the visiting teacher is a necessary adjunct to any successful campaign against juvenile delinquency.

A more formal approach to the home is that of the Parent School of the Domestic Relations Court of Columbus, Ohio, which undertakes, in night school groups of not more than fifteen, to educate fathers and mothers in better methods of care and discipline for their children. This work is being watched with special interest, because it is known to be a sad fact that "many parents must turn to the mirror to find the true reason why their boy or girl has been engulfed in crime."

An activity in which the private citizen, under the guidance of trained social workers, has done memorable service is the Big Brother and Big Sister Movement, which started in 1904 when Colonel Ernest Coulter, addressing a men's meeting at the Central Presbyterian Church in New York, said: "Be a big brother to the boy." The sole limit to the effectiveness of these splendid organizations seems to be the limit on the number of public-spirited and social-minded men and women, who can be persuaded to spare time for painstaking work with the individual child.

Until 1925 the local law enforcement bodies, outside of the probation officers

attached to juvenile courts, had taken no official part in crime prevention work. In that year, however, August Vollmer, Chief of Police of Berkeley, California — a remarkable individual who combined in his daily program the duties of a policeman and those of professor at the University of California— established in his department a Crime Prevention Division, which has served as a model for New York City and many other progressive municipalities. A high point in police cooperation followed in the establishing by supposedly hardboiled policemen of boys' Clubs, of which the Boys' Club of the Metropolitan Police of Washington, D. C., is an excellent example.

August vollmer's most notable contribution, however, to the cause of crime prevention had occurred ten years before, in 1915, when he founded in cooperation with the Superintendent of schools and other public-spirited citizens, the country's first Coordinating Council. Vollmer's theory, later enunciated by many delinquency experts, was that the facilities needed to grapple with the child problem already existed. What they needed was to be integrated, coordinated and guided. The plan was immediately successful, not only in Berkeley, but in other parts of California. The Council in Los Angeles— or rather group of Councils—is generally considered a model specimen of effective crime prevention work. California's example is now being followed in many parts of the nation.

The original Councils did a good deal of direct work with delinquents and their parents. The later ones confined themselves chiefly to research, coordination and guidance. In Michigan, where the plan is being worked out on a statewide basis, the policy of working exclusively through existing organizations is especially emphasized. It seems probable that by so doing the Coordinating Council is likely to achieve its greatest usefulness.

The success of the coordinating councils in arraying so many local organizations in an efficient campaign against the common enemy, delinquency, has naturally centered the constructive thought of crime prevention workers on the coordinating principle and possible means of applying it on a state-wide or nation-wide scale.

Kenyon J. Scudder, guiding spirit of the Los Angeles council, has recommended that the councils themselves receive "adequate supervision from a recognized national agency." Frederic M. Thrasher and Sheldon and Eleanor Glueck, outstanding authorities in the crime prevention field, have endorsed the principle of a central guiding, coordinating and information-distributing bureau.

The Boston Herald, in reviewing the Gluecks' epochal volume, "One Thousand Juvenile Delinquents," said: "The report indicates a general situation which points to the indispensability of some effective integrating organ which would be charged with central guidance, if not definite oversight of the entire treatment of delinquents."

Even more definite were the recommendations of the Conference on Crime, a conclave of more than six hundred crime experts from all over the country,

whom I invited to Washington in December 1934 to consider this and other problems. By unanimous vote, the Conference urged "State and National leadership through appropriate governmental and voluntary organizations, in fostering the development of these coordinating agencies, the provision of constructive educational, vocational and recreational opportunities for youth, and the provison of competent, skilled service to children in need of guidance and correction."

I could multiply these instances of expert and popular approval, but it is enough to say that there seems to be a definite demand from crime prevention workers and the public generally for a clearing house for mutual advantage, similar to the clearing house which has been established by the Bureau of Investigation of the Department of Justice by classification of nearly six million finger prints for use by the various departments of the country.

There are plenty of precedents for such action. The National Bar Program of the American Bar Association is one. The work of the American Law Institute in the preparation of the Code of Criminal Procedure and a Code of Criminal Law and Administration is another. The National Probation Association, the International Association of Chiefs of Police and the American Prison Association are still other examples of nation-wide action on matters associated with the work of local law enforcement.

Suggestions were at first made that the Children's Bureau of the Department of Labor or the office of the Commissioner of Education in the Department of the Interior might undertake the coordinating of these various agencies into a strong national campaign for crime prevention. More insistently, perhaps, and in increasing volume, have come requests that the Department of Justice should add a fourth unit to concentrate on this fourth problem of wiping out delinquency at its source. This unit would supplement the functions performed by the three units now engaged in apprehension, prosecution and punishment. The appeals for assistance have come from all parts of the country, from private citizens and high officials, from Governors, Attorneys General, prosecutors, parole boards, civic leaders and women's organizations. And our desperate efforts to respond helpfully have been pitiful. We have had no staff for this purpose, and no funds with which to even make more than a bare acknowledgment to these cries for help. I have determined that we shall no longer remain an impotent agency in this most vital work.

Recognizing this growing demand and realizing that with only a moderate extension of activities, the Department of Justice can be made a nerve center of helpful impulses and a clearing house of useful information, I appointed an Advisory Committe to aid me in the consideration of this matter. This Committee labored well and long, and unanimously recommended the creation of the proposed scientific and educational center within the structure of the Department of Justice.

Therefore, I decided to submit to the Congress a request for authority to create in the Department of Justice a Bu-

reau to be known as the Federal Bureau of Crime Prevention. In this new Bureau, it was proposed to concentrate all of the functions connected with the Department's proposed scientific and educational crime center not allocated to the Bureau of Investigation, the Criminal Division and the Bureau of Prisons. These four units, working in harmonious cooperation and under the direct supervision of the Attorney General, seemed well adapted for the working out of the desired objectives.

To my amazement, however, the Congress, which had proved so cooperative in strengthening our hand in the detection and prosecution of crime, proved apathetic to all pleas for aid in the prevention of it.

If economy had been the only reason for the Congress's declining to accept the Department's recommendations, it might have been possible to overcome its objections by showing that, in the long run, almost any effective move to prevent crime is economy of the wisest sort.

Opposition was voiced on the ground of expense, when the President's proposal for a CCC was first made, but when the public realized what this humanitarian measure had saved in dollars and cents by diverting into useful channels youthful energy which, if left to find outlets of its own, might have plunged the country into an orgy of destructive and costly crimes, even the most active critics of the New Deal were forced to admit that the CCC was not only the wisest, but the cheapest thing we could do.

But in the hearings on this proposed bureau I became increasingly convinced that the real difficulty arose from the fact that the general public, as represented by their public servants in Washington, had not yet grasped the need or the meaning of what we were trying to do. It was bewilderment, I think, more than considered opposition, that made one committe member—and a usually understanding one—say to me:

"We don't want you running around the country telling people to be good."

That, of course, was the last thing that we wanted to do, either; and it was certainly the last thing that we intended to do. But in retrospect, it is easy to see how the confusion arose.

We Americans are much given to quick generalizations. We have a weakness for headlines. In a certain fashion we realize that we are apt to be misled by them, but that does not seem to shake our faith in them. We generalize our hopes, fears, vices, virtues, plans and ideals—give them a name and then think more of the name than of the substance. We talk of "economic law" "inherent rights," "fundamental liberty," "equality of opportunity," and "social justice" until these concepts register more as abstractions than as realities. For this reason we are apt to be bewildered when some movement like crime prevention comes along and seeks to treat ideas and principles as living and vital things.

Obviously, our job was to acquaint the public with the facts. That is what my associates and I — in public addresses, in radio broadcasts and in interviews with the press—have been trying to do. We are already seeing results. Requests for information are regularly sup-

plemented by demands for action. I feel sure that an enlightened public opinion will stand firmly behind us when next we seek congressional support for this worthiest of causes, and that it will make itself felt where it will do the most good.

So convinced am I that the crime prevention program must succeed, and that it cannot succeed without some such nerve center as I have proposed, that I have gone right ahead, with the enthusiastic cooperation of the Advisory Committee on Crime, to lay down the principles on which I believe the Bureau of Crime Prevention will ultimately be founded, and to establish within limits the various functions it will ultimately discharge.

First of all, it will be a coordinating organization rather than an executive one. Local coordinating councils have done their best work, not by adding still another agency to the many already engaged in some forms of crime prevention, but by working with and through existing agencies to increase efficiency and eliminate waste. The Bureau of Crime Prevention of the Department of Justice will follow this proved policy.

In no case will it usurp the functions of state or local officials charged with the enforcement of law and the prevention of crime, but will work with those officials through exchange of experiences, frequent consultation and friendly suggestion to the end that they may be better able to cooperate with the home, the church, the school and the private character-building organizations of their own community in a unified and coordinated program.

It will offer a means of maintaining the closest possible contact with private organizations interested in crime prevention, and with groups of citizens in the various States who need assistance and encouragement in reorganizing and improving crime prevention agencies in their own jurisdictions.

It will act as a clearing house for information concerning improved methods in use in the various states, and a means of preserving valuable precedents and techniques established in one section of the country, which hitherto have been lost to communities in other sections.

It will collaborate in state and local crime conferences, and other crime prevention and law enforcement meetings in which Federal participation is requested.

It will cooperate with schools, colleges and universities, no one of which at the present time, in the whole United States, provides an adequate course in which an intelligent citizen desiring to prepare himself for dealing with this problem, can do so.

It will adopt the proved technique of the Department of Agriculture—which pays more attention to the needs of cattle than some of the rest of us do to the needs of human beings!—and send out expert advisors to travel from town to town and cooperate personally with citizens engaged in, or planning to engage in, a crime prevention campaign. There will be need also for research of the most meticulous sort.

It will, in general, constitute itself a focal group for stirring up interest in crime prevention, as the Federal Bureau

of Investigation has stirred up interest in crime detection; for stimulating activity, public and private, and keeping alive activity, once it is aroused; and for assisting in every possible way the efforts of state and local organizations and groups of public spirited citizens engaged in this flank movement on crime.

I hope I do not need to add that it will invite at all times suggestions and recommendations from the general public. The Attorney General's Conference on Crime established that policy as a foundation stone of the Department of Justice's campaign against crime. Up to that time, the public had always appealed to the Government for aid in dealing with the menace of lawlessness. But now the process is reversed—the Government appeals to the public for its thoughtful advice, for its sustained interest, and for its active help in a national movement to meet a common peril.

No GOVERNMENT official who has an intelligent appreciation of his role, desires to operate in a vacuum. There is no monopoly of wisdom or of discretion, or of sound judgment residing in those who happen, for a time, to be placed in positions of power.

The more our citizens express themselves, the more their wishes and views are made known, the more insistent their demand for sustained and intelligent treatment of the social corrosions of crime, the more certain it is that the government will adequately respond.

The fight in which I ask your support will not be dramatic or spectacular. It will not quickly attain its objective. But it must and can be made.

The summons to enlistment in this movement is, then, more than a call to arms. It is a call to patience, intelligence, consecration and ceaseless labor, continued over a long period of time, indeed, as long as the need exists. But it is the kind of fight that has its reward.

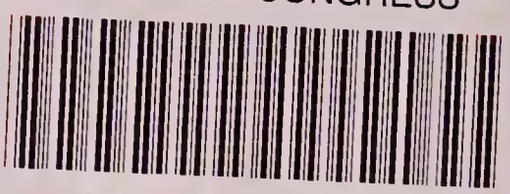
Let me revert again to the phenomena of floods and repeat one thought which I expressed in an earlier chapter. "There is something utterly futile about the last-minute task of piling up sand bags, dynamiting levees, setting up shelter stations, performing all the other acts which are so often left to the hysteria of the moment when the flood reaches its crest. There is something terribly tragic in any scene in which a helpless humanity struggles with a disaster which it could have prevented and which it finds too late has struck with death and destruction."

In the same way, there is something terribly depressing about the erection of prison walls to confine men who might have been saved in the first instance. But there comes a real satisfaction when we turn our hand to a task which will restore to the youngsters of this country some measure of that life, that liberty, and that pursuit of happiness which is their proper heritage.

H 76-79

THE LIBRARY OF CONGRESS

THE HECKMAN BINDERY, INC.
BOUND TO PLEASE
JAN 79
N. MANCHESTER,
INDIANA 46962

LIBRARY OF CONGRESS

0 008 819 106 7